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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/072,216      02/05/2002      Neil S. Wester      42390P6169D      2708

8791      7590      10/05/2004

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EXAMINER

ROCCHEGIANI, RENZO

ART UNIT      PAPER NUMBER

2825

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/072,216	<b>Applicant(s)</b> WESTER, NEIL S.	
	<b>Examiner</b> Renzo N. Rocchegiani	<b>Art Unit</b> 2825	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 05 February 2002.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-17 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a)  All    b)  Some \*    c)  None of:
1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/05/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: the initial paragraph that refers to the parent case should also state that the parent application is

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now US Patent No. 6,383,894 B1.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 7-8, 10-12 and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,747,790 (Shimomura et al.).

Shimomura et al. discloses an apparatus comprising a plurality of devices (item 76 + 77) on a substrate (item 71), a scribe line area separating the devices (Fig. 24) and a masking material (item 79) overlying a portion of the scribe line area. The masking material comprises a transparent material with an acrylate moiety (col. 8, lines 39-42) and its thickness is similar to the thickness of the devices (Fig. 24). The devices comprise sensors (col. 18, lines 44-57) and the masking material overlies the entire portion of the scribe line area (Fig. 24).

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4. Claims 1-3, 5-11 and 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,747,790 (Shimomura et al.).

Shimomura et al. discloses an apparatus comprising a plurality of devices (items 83R, 83G and 83B) on a substrate (item 71), a scribe line area separating the devices (Fig. 32) and a masking material (Fig. 30, item 84 OR Fig. 32, item 86) overlying a portion of the scribe line area. The masking material comprises a transparent material with an acrylate moiety (col. 8, lines 39-42). The devices comprise a material layer with a colorant such as a pigment (col. 21, lines 62-67 and col. 22, lines 1-5) and they comprise sensors (col. 22, lines 18-25) and the masking material overlies the entire portion (Fig. 30) or only a portion (Fig. 32) of the scribe line area.

### ***Conclusion***

5. In an attempt to clarify the rejections presented above the examiner refers applicant's attention to the fact that the two rejections do not address the same groups of claims. The reference to Shimomura et al. is being interpreted in two different ways, both of which are reasonable and fall within the scope of the respective claims that are being rejected. The main difference in the two rejections is which structures in the Shimomura et al. reference are viewed as the "devices" of the claims. Because the claims of the pending application are broad enough both structures 76+77 and structures 83 fall within the scope of the claims and thus anticipate them.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Renzo N. Rocchegiani whose telephone number is (571)272-1904. The examiner can normally be reached on Mon.-Fri. 8:00 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith can be reached on (571)272-1907. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Renzo N. Rocchegiani  
Examiner  
Art Unit 2825



MATTHEW SMITH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800